

REMARKS

The Examiner rejected claims 8, 13-18, 20 and 23-26 under 35 U.S.C. 102 as being anticipated by Qureshey et al. (2002/0002039). Applicant respectfully traverses this rejection.

As to claim 8, Qureshey describes a network enabled audio device. As described in FIG. 17A and the accompanying text, Qureshey describes displaying a menu including text strings representing menu components (e.g., playlist, artist, etc.). However, Qureshey does not disclose generating an audio file that is an audio representation of the menu component. The Examiner points to paragraph [0126], lines 12-14 as allegedly teaching this element. However, this section (and the rest of Qureshey) merely describes a user selecting a certain song by traversing the menu items and the system playing the selected song. Thus, there is no disclosed generation of the song, merely the playing of the song selected by the user. Furthermore, the audio file being played is the media content itself, and not an audio representation of the menu component. The menu components represent navigational components directed to the selection of media content. The menu components are not media content themselves. Claim 8 has been amended to make this distinction more clear. The only audio clips being played in Qureshey are the selected songs themselves. In order for Qureshey to disclose the claimed element it would have to have an audio file being generated for the navigational item itself. For example, it could have to have an audio file saying “playlist” that is generated so that it can be played when the user passes the cursor over the “playlist” menu item. Qureshey discloses no such audio file and the mere playing of audio files in response to menu selections is not the same as having audio files representing the menu components themselves. As such, Applicant respectfully submits that claim 8 is in condition for allowance.

As to independent claims 16 and 20, these claims have also been amended to make this distinction more clear and as such Applicant respectfully submits that these claims are in condition for allowance.

As to independent claim 26 as amended, Qureshey fails to teach or suggest “the memory storing media content and metadata for a plurality of media items, the memory also storing audio content representing the metadata for the media items.” As described above, Qureshey only discloses audio files as the media items themselves (i.e., the songs themselves). There is no teaching or suggestion in Qureshey to store audio content representing the metadata for the media items.” Audio content representing metadata is specifically distinguished from media

content (e.g., selected songs) in the claims. Likewise, Qureshey fails to teach or suggest “playing the audio content for at least a portion of the metadata representing the selected one of the media items” for the same reasons. As such, Applicant respectfully submits that claim 26 is in condition for allowance.

Dependent claims 13-15, 17-18, and 23-25 are also patentably distinct from the cited references for at least the same reasons as those recited above for the independent claim, upon which they ultimately depend. These dependent claims recite additional limitations that further distinguish these dependent claims from the cited references. For example, claim 14 recites that at least one of the audio files is embedded in metadata. Qureshey does not embed its audio files in metadata. There is metadata (artist, title, etc.) associated with the audio content but there is no embedding of audio files in the metadata. Applicant notes that in the computer arts there is a delineation between the term “data” and “metadata”, wherein metadata is data about other data, in this case, data about the underlying media content, and metadata cannot be read to include the underlying media content itself. For at least these reasons, claims 13-15, 17-18, and 23-25 are not anticipated or made obvious by the prior art outlined in the Office Action.

The Examiner rejected claims 1-3, 9 and 10 under 35 USC 103 as being unpatentable over Qureshey et al. (2002/0002039) in view of Barile et al. (6,448,485). Applicant respectfully disagrees.

As to claim 1, the Examiner argues that the playing of an audio file with the group of menu buttons in Qureshey represents “generating audio files.” However, Applicant notes that playing an audio file does not equate with generating it. Generation involves the creation of the audio file and nothing in Qureshey discusses the creation of audio files. Indeed, it appears that since all of the audio files in Qureshey are media content (e.g., songs), and are not audio representations of menu items, all of the audio files would have been generated by a third party such as a record company. As such, Applicant respectfully submits that Qureshey fails to teach or suggest “generating audio files.”

Furthermore, contrary to what is stated in the Office Action, Qureshey does not teach or suggest “playing the audio file on the client when the associated menu choice is highlighted.” In Qureshey, the audio file is only played when the associated menu choice is selected, not when it is merely highlighted. Note that highlighting and selecting are explicitly distinguished earlier in the claim. Highlighting might include, for example, positioning a cursor over a particular menu

item whereas selecting might include, for example, depressing a mouse click while highlighting the particular menu item. As such, Applicant respectfully submits that claim 1 is in condition for allowance.

Dependent claims 2-3, 9, and 10 are also patentably distinct from the cited references for at least the same reasons as those recited above for the independent claim, upon which they ultimately depend. These dependent claims recite additional limitations that further distinguish these dependent claims from the cited references. For example, claim 10 recites that the generation of the audio file is accomplished via a text-to-speech algorithm. The Examiner points to paragraph [0106] of Qureshey as allegedly teaching this element. However, this section of Qureshey only discloses using a text-to-speech algorithm in order to play back content from a written email communication on the media device. Thus, the audio file being generated here is not the same as the audio file (the song) that the Examiner argued was taught in claim 1. Indeed, there is nothing to suggest that the song was generated by a text-to-speech algorithm. For at least these reasons, claims 2-3, 9, and 10 are not anticipated or made obvious by the prior art outlined in the Office Action.

The Examiner rejected claims 4-7 under 35 USC 103 as being unpatentable over Qureshey et al. (2002/0002039) in view of Barile et al. (6,448,485) and further in view of Tagawa et al. (2002/0045438).

The Examiner rejected claim 11 under 35 USC 103 as being unpatentable over Qureshey et al. (2002/0002039) in view of Barile et al. (6,448,485) and further in view of Lucas et al. (2002/0143533).

The Examiner rejected claim 12 under 35 USC 103 as being unpatentable over Qureshey et al. (2002/0002039) in view of Barile et al. (6,448,485), Lucas et al. (2002/0143533) and further in view of Bloom et al. (2005/0042591).

The Examiner rejected claim 19 under 35 USC 103 as being unpatentable over Qureshey et al. (2002/0002039) in view of Irvine et al. (2003/0197744).

Dependent claims 4-7, 11-12, and 19 are also patentably distinct from the cited references for at least the same reasons as those recited above for the independent claim, upon which they ultimately depend. These dependent claims recite additional limitations that further distinguish these dependent claims from the cited references. For at least these reasons, claims 4-7, 11-12,

and 19 are not anticipated or made obvious by the prior art and/or the official notice outlined in the Office Action.

The Examiner rejected claims 21 and 22 under 35 USC 103 as being unpatentable over Qureshey et al. (2002/0002039) in view of Lucas et al. (2002/0143533).

As to claim 21, contrary to what is stated in the Office Action, Lucas fails to teach or suggest “association record that associate the audio files with data from the media collection record and metadata from the media records.” Lucas teaches the storage of audio files generated by a voice recognition engine (see paragraph [0050]) and corresponding text files that are synchronized with the audio files. However, there is no association of the audio files with metadata from the media records. As such, Applicant respectfully submits that claim 21 is in condition for allowance.

Dependent claim 22 is also patentably distinct from the cited references for at least the same reasons as those recited above for the independent claim, upon which it ultimately depends. This dependent claim recites additional limitations that further distinguish this dependent claim from the cited references. For at least these reasons, claim 22 is not anticipated or made obvious by the prior art outlined in the Office Action.

The Examiner rejected claim 27 under 35 USC 103 as being unpatentable over Qureshey et al. (2002/0002039) in view of Tagawa et al. (2002/0045438).

Dependent claim 27 is also patentably distinct from the cited references for at least the same reasons as those recited above for the independent claim, upon which it ultimately depends. This dependent claim recites additional limitations that further distinguish this dependent claim from the cited references. For at least these reasons, claim 27 is not anticipated or made obvious by the prior art outlined in the Office Action.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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